

REMARKS

The undersigned thanks the examiner for the courtesy extended during the telephonic conversation of August 25, 2006. Applicants appreciate the opportunity to discuss the issues pending in the case.

Claims 2, 3, 5-8, 39-43, and 45-68 are pending in the application. Support for the amendments is found at, e.g., page 31, lines 18-22 (disclosing polynucleotides 98% homologous to a reference sequence) and page 11, lines 1-13 (disclosing cells with TRADE activity). No new matter has been added.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 2, 3, 5-8, 39-43, and 45-65 remain rejected for lack of written description and lack of enablement. The rejections are traversed to the extent they are applied to the claims as amended.

The claims have been amended to require a polypeptide encoded by a polynucleotide at least 98 % homologous to a polynucleotide encoding amino acids 1-168 of SEQ ID NO:2: this corresponds to the extracellular region of a TRADE polypeptide. The claims have additionally been amended to clarify that the claimed method is for modulating activation of an NFkB signaling pathway that includes contacting a cell having TRADE activity with a TRADE polypeptide in an amount sufficient to modulate the activation of an NFkB signaling pathway associated with TRADE activity in the cell. Thus, only cells with TRADE activity will respond to administration of an extracellular portion of the TRADE α polypeptide, to result in modulation of the NFkB signaling pathway in the cell.

Claims 2, 3, 5-8, 39-43, and 45-65 are further rejected for lack of enablement.

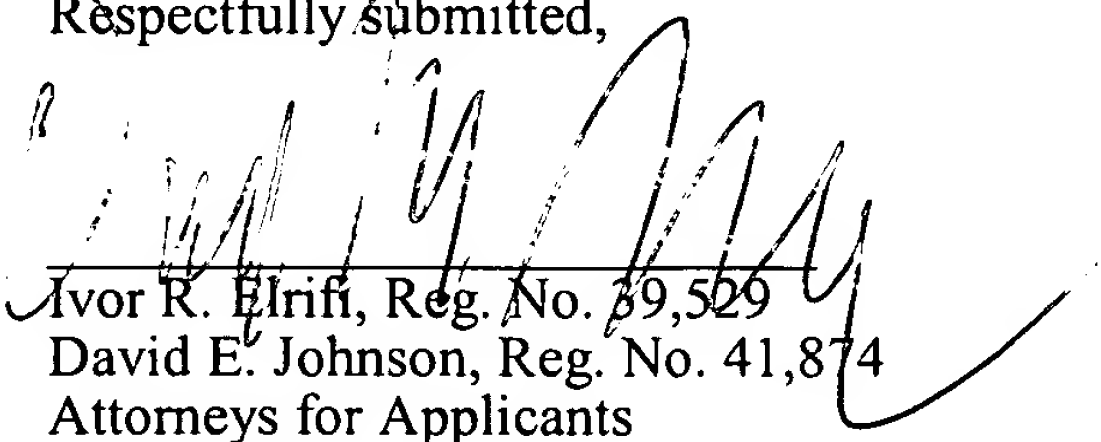
Specifically, the Office states that it is unpredictable whether any polypeptide containing the extracellular domain of TRADE would have the ability to modulate NFκB activity. As explained above, the claims are now directed to methods in which recited cells have TRADE activity, such that administration to the cell of a protein including the extracellular region of a TRADE activity will modulate the NFκB activity. It is believed this amendment obviates the rejection.

For the foregoing reasons and reasons already of record, Applicants request withdrawal of the § 112, first paragraph rejections.

Applicants submit that the application is in condition for allowance, and such action is requested.

Applicants have enclosed a petition for extension of time and a check in payment of the required fee. Although no additional charges are believed to be due, the Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 22058-569.

Respectfully submitted,



Ivor R. Elrif, Reg. No. 39,529
David E. Johnson, Reg. No. 41,874
Attorneys for Applicants
c/o MINTZ, LEVIN
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000

Dated: August 28, 2006